

NORTHERN DISTRICT OF TEXAS
FILED

MAY 18 2009

CLERK, U.S. DISTRICT COURT
BY _____
DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

BENNIE RAY JOHNSON,
A.K.A. BENNIE JOHNSON,
TDCJ-CID # 819383,

Plaintiff,

V.

NFN HUTTON, NFN PONDER, and
NFN SILVA,

Defendants.

§ § § § §

2:07-CV-0195

ORDER OF DISMISSAL

Plaintiff BENNIE RAY JOHNSON, acting pro se and while a prisoner confined in the Texas Department of Criminal Justice, Institutional Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-referenced defendants and was granted permission to proceed *in forma pauperis*.

On April 23, 2009, a Report and Recommendation was issued by the United States Magistrate Judge recommending dismissal of the instant cause with prejudice as frivolous.

The period for objections has expired, and no further pleadings or correspondence have been received from plaintiff in this cause.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the Civil Rights Complaint by plaintiff BENNIE RAY JOHNSON is DISMISSED WITH PREJUDICE AS FRIVOLOUS.

LET JUDGMENT BE ENTERED ACCORDINGLY.

All pending motions are DENIED.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

IT IS SO ORDERED.

SIGNED AND ENTERED this 18th day of May, 2009.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE